

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C. Marxen et al.

Serial No.: 09/887,939

For: Modeling and Fabrication of
Three-dimensional Irregular
Surfaces for Hearing Instruments

Filed: June 22, 2001

Group: 2643

Examiner: Suhan Ni


Att'y Dkt.: 2001 P 11061 US

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Joel Miller
Attorney Name

29,955
Reg. No.


Signature

March 30, 2006
Date of Signature

Pre-Appeal Brief Request for Review

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:

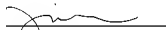
Applicant requests review of the final rejection. No amendments are being filed with this request. A notice of appeal was accompanies this request.

Notwithstanding the remarks in the 03/24/06 Advisory Action concerning the use of a computer to modify the shell surface, the reference fails to satisfy the claim limitation directed to the step of "adjusting the fit of the digital representation of the outer surface of the shell in the digital representation of the ear canal," i.e., performing the steps while the digital representation of the shell is positioned within the digital representation of the ear canal, as explained in the first full paragraph on page 9 of the applicants' Response to Office Action Mailed 12/01/05, filed on February 27, 2006.

The Advisory Action does not address this limitation. Reconsideration is requested.

Dated: March 30, 2006

Respectfully submitted,


Joel Miller
Reg. No. 29,955
17 Westwood Drive South
West Orange, N.J. 07052
(973) 736-8306

Attorney for Applicant(s)